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UNITED STATES PATENT AND TRADEMARK OFFICE

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09/502,378	02/11/2000	Eric C. Anderson	P191/1583P	5045

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-26_ is/are pending in the application.

   4a) Of the above claim(s) _21-26_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-5 and 8-18_ is/are rejected.

7) ☒ Claim(s) _6,7,19 and 20_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

1.   Applicant's election of Group 1 in the reply filed on April 8, 2004 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the

restriction requirement, the election has been treated as an election without traverse (MPEP

§ 818.03(a)).

Claim Objections

2.   Claims 4, 6, 8, 9, 17, and 19 are objected to.

Claim 4 recites the limitation "further including the step of (d)." Parent claim 1 already

comprises a step (d). Claim 17 recites the same limitation with regard to parent claim 8.

Claim 6 recites the limitation "wherein the (c) further" instead of "wherein the step (c)

further." Claim 19 recites the same limitation.

Claim 8 recites the limitation "a system for efficiently categorization digital images."

Claim 9 recites "the method of claim 8." Claim 8 recites the limitation "a system."

Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 and 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto,

U.S. Patent 5,796,428, in view of the admitted prior art.

Regarding claim 1, Matsumoto teaches a method for efficiently categorizing images,

comprising the steps of: (a) ordering a series of related images that are to be categorized by time

of capture (col. 10, lines 36-38; Fig. 10); (b) utilizing category levels, wherein the category

levels include a highest-category level (album name) and a lowest category level (picture

caption), the highest-category level having a low frequency of data change between the series of

related images, and the lowest-category level having a high frequency of data change between

the series of related images (col. 9, lines 55-56; col. 10, lines 31-33; Figs. 5 and 9); (c)

categorizing a first image according to the highest-category level data and lowest-category level

data (col. 9, lines 55-56; col. 10, lines 31-33); and (d) categorizing a next image in the series by

leaving the highest-category level data unchanged, thereby eliminating the need for the user to

reenter the highest-category level data (col. 11, lines 9-11, 19-28; col. 12, lines 24-32; Figs.12,

15, and 17).

Matsumoto does not teach a computer system, the display of category levels for input of

category information of a user, or the automatic selecting of the lowest-category level data for

reentry by the user. The admitted prior art teaches a computer system (PC) (page 1, line 9), and

the display of category levels for input of category information by a user (page 1, lines 16-18,

20-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the practice of displaying all the category levels for data entry

by a user taught by the admitted prior art with the practice of organizing photos in an electronic

album taught by Matsumoto to make a method for organizing photos wherein the hierarchical

categories for each photo are displayed and the next image inherits the highest category level

data from the previous image. One of ordinary skill would have been motivated to make such a

modification to give the user the ability to change any category data of the photo while providing

an automatic category inheritance technique to reduce data entry. Furthermore, as Matsumoto

teaches the automatic inheritance of higher category level data by a next image, it would have

been obvious to one of ordinary skill to select a lowest-category level data (picture caption) for

reentry by the user.

Regarding claim 2, Matsumoto teaches the step of grouping pictures according to

consecutive shooting dates so that the pictures can be classified into a theme (col. 12, lines 24-

28), which reads on comparing date and time differences between images to automatically detect

a category change (album, contents icon – Figs. 5-7). The prior art teaches the display of

category levels for input of category information by a user (page 1, lines 16-18, 20-21). It would

have been obvious to automatically select an appropriate category level for reentry by the user

when a category change is detected.

4.   Claims 3-5, 8-12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Matsumoto, U.S. Patent 5,796,428, in view of the admitted prior art as applied to claims 1 and 2

above, and further in view of well-known prior art.

Regarding claim 3, Matsumoto in view of the admitted prior art teach the method of

claim 1. See above. Matsumoto in view of the admitted prior art do not teach the step of moving

a cursor from one category level to another for data entry in response to a user pressing a key.

The office takes Official Notice that it is well-known in the art to move a cursor from one field to

another in response to a user pressing a key. It would have been obvious to one of ordinary skill

to incorporate such a feature into the apparatus of Matsumoto in view of the admitted prior art.

One of ordinary skill would have been motivated to make such a modification to enable the user

to select and change any category for a photo.

Regarding claim 4, Matsumoto teaches the step of grouping pictures according to

consecutive shooting dates so that the pictures can be classified into a theme (col. 12, lines 24-

28), which reads on comparing date and time differences between images to automatically detect

a category change (album, contents icon – Figs. 5-7). The prior art teaches the display of

category levels for input of category information by a user (page 1, lines 16-18, 20-21). It would

have been obvious to categorizing another, i.e. the next, image in the series by leaving the cursor

at the higher-category level for data entry.

Regarding claim 5, Matsumoto teaches a hierarchy of categories (album, contents, picture

captions) (Figs. 5-9). The admitted prior art teaches the display of category levels (page 1, lines

16-18, 20-21). It would have been obvious to display an intermediate category level having

medium frequency of data change between the series of related images.

Regarding claim 8, Matsumoto teaches a system for categorizing digital images,

comprising: input means for receiving a series of digital images (interface 108); a display

(display 113); interface means for a user to operate the system (pen input device 403); and

storage means for storing the digital images (storage unit 109) (Fig. 1, col. 9, lines 28-30). The

admitted prior art teaches a computer (PC) and an image management application executed by

the computer (page 1, lines 12-15). Matsumoto in view of the admitted prior art teach the method

according to claim 1. See above. The image management application that implements the method of claim 1 is thus taught.

Regarding claim 9, Matsumoto in view of the admitted prior art teaches the method of claims 2. See above. The admitted prior art teaches a computer (PC) and an image management application executed by the computer (page 1, lines 12-15). The image management application that implements the method of claim 2 is thus taught.

Regarding claim 10, the admitted prior art teaches a web server (page 1, lines 9-10).

Regarding claim 11, Matsumoto in view of the admitted prior art do not teach a television for a display. The office takes Official Notice that it is well-known in the art to use televisions to display data. One of ordinary skill would have been motivated to make such a modification to take advantage of the larger screens of televisions and thus have a clearer view of captured data.

Regarding claim 12, the admitted prior art teaches the practice of typing to enter information (page 2, lines 1-2). The keyboard is inherently taught. The admitted prior art does not teach a mouse. The office takes Official Notice that it is well-known in the art to use a mouse as an interface for input. One of ordinary skill would have been motivated to make such a modification to enable a user to access a place on a screen by pointing and clicking on it.

Regarding claims 14-18, the admitted prior art teaches programs for use on a computer system (page 1, lines 12-13, 20). The computer readable medium that stores the program instructions for use on a computer system is inherently taught. Because the methods of claims 1-7 are taught, the computer readable medium containing program instructions to implement the methods of claims 1-7 are also taught.

5.   Claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto,

U.S. Patent 5,796,428, in view of the admitted prior art as applied to claims 1 and 2 above, and

further in view of Mcintyre et al, U.S. Patent 5,940,121.

Regarding claim 13, Matsumoto in view of the admitted prior art do not teach voice

recognition. Mcintyre teaches voice recognition as a means for inputting text (col. 8, lines 11-

15). Therefore, it would have been obvious to one of ordinary skill in the art to provide voice

recognition in the apparatus of Matsumoto in view of the admitted prior art. One of ordinary skill

would have been motivated to make such a modification to bypass manual labor for entering

data.

Allowable Subject Matter

6.   Claims 6, 7, 19, and 20 objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Regarding claim 6, the prior art does not teach a method for efficiently categorizing

images on a computer system, comprising the steps of - (a) ordering a series of related images

that are to be categorized by time of capture; (b) displaying category levels for input of category

information by a user, wherein the category levels include a highest-category level, an

intermediate category level, and a lowest category level, the highest-category level having a low

frequency of data change between the series of related images, the lowest-category level having

a high frequency of data change between the series of related images, and the intermediate

category level having medium frequency of data change between the series of related images; (c)

categorizing a first image by allowing the user to enter highest-category level data and lowest-category level data, and <u>as the user enters data, comparing the data with previous entries, and when a match is found, automatically entering the previous entry to thereby reduce inconsistent terminology</u>; (d) categorizing a next image in the series by leaving the highest-category level data unchanged, and automatically selecting the lowest-category level data for reentry by the user, thereby eliminating the need for the user to reenter the highest-category level data, (e) in response to a user pressing a key, moving a cursor from the lowest category level to a higher-category level for data entry, wherein the method further includes the steps of categorizing another image in the series by leaving the cursor at the higher category level for data entry.

Dependent claim 7 is subsequently objected to. Regarding claims 19 and 20, because the methods of claims 6 and 7 contain allowable subject matter, the computer readable medium containing program instructions to implement the methods also contain allowable subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DW
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